

EDU # 1528-01
C # 140-02
SB # 23-02

IN THE MATTER OF THE TENURE :
HEARING OF JOHN HOWARD, JR., : STATE BOARD OF EDUCATION
BOARD OF EDUCATION OF THE CITY : DECISION
OF EAST ORANGE, ESSEX COUNTY. :

Decided by the Commissioner of Education, April 1, 2002

For the Petitioner-Respondent, Schwartz, Simon, Edelstein, Celso &
Kessler (Stephen J. Edelstein, Esq., of Counsel)

For the Respondent-Appellant, Andrew Babiak, Esq.

On May 2, 2002, John Howard (hereinafter "appellant") filed an appeal to the State Board of Education from a decision of the Commissioner of Education dated April 1, 2002, in which he concluded that the East Orange Board had proven tenure charges against the appellant and directed that he be dismissed from his employment as superintendent of schools.

By letters dated May 22 and May 24, 2002, the appellant requested to correct the record in this matter to include certain documents, exhibits R-41A, R-41B, R-108, and R-217 through R-222, which had been omitted from the record by the Administrative Law Judge. The counsel for the East Orange Board consented to this request, and the briefing schedule was placed in abeyance pending a determination of this issue.

After a review of the appellant's request, we direct, pursuant to N.J.A.C. 6A:4-1.9(a), that the record on appeal be corrected to include the above-cited exhibits. In view of our determination, we are reestablishing the briefing schedule. The Board's answer brief is due within 20 days after the date of this decision.

Edward Taylor abstained.

July 2, 2002

Date of mailing _____